

MARK BRNOVICH
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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Arizona Broadcasters Association, et al.,
Plaintiff,
v.
Mark Brnovich, et al.,
Defendants.

Case No: CV-22-01431-PHX-JJT

**ATTORNEY GENERAL'S ANSWER TO
COMPLAINT (Doc. 1)**

Defendant Mark Brnovich, in his official capacity as Attorney General for the State of Arizona (the "Attorney General"), hereby answers the Complaint (Doc. 1) as follows. The Attorney General, consistent with his position throughout this case, does not take a position on the substantive constitutional merits of Plaintiffs' claims, and seeks nominal defendant status in this matter as to the merits. The Attorney General only asserts that he is not a proper defendant in this suit and that Plaintiffs' Complaint does not state a viable claim as to him specifically.

1. The Attorney General Admits that the Complaint challenges Arizona House Bill 2319 ("HB2319"). Paragraph 1 contains allegations asserting legal conclusions, to which no response is required.

JURISDICTION AND VENUE

2. The Attorney General admits the nature of Plaintiffs' claims. Paragraph 2 contains allegations asserting legal conclusions, to which no response is required.

1 Plaintiff KPNX-TV (“KPNX”). The Attorney General lacks sufficient knowledge or
2 information to form a belief as to the truth of the allegations regarding Plaintiff KPNX
3 and so denies them.

4 12. Paragraph 12 contains allegations about the organization, activities, and
5 membership of Plaintiff American Civil Liberties Union of Arizona Foundation (“ACLU
6 of Arizona”). The Attorney General lacks sufficient knowledge or information to form a
7 belief as to the truth of the allegations regarding Plaintiff ACLU of Arizona and so
8 denies them.

9 13. Paragraph 13 contains allegations about the organization, activities, and
10 membership of Plaintiff National Press Photographers Association (“NPPA”). The
11 Attorney General lacks sufficient knowledge or information to form a belief as to the
12 truth of the allegations regarding Plaintiff NPPA and so denies them.

13 14. Paragraph 14 contains allegations about the organization and activities of
14 Plaintiff Phoenix Newspapers, Inc. (“PNI”). The Attorney General lacks sufficient
15 knowledge or information to form a belief as to the truth of the allegations regarding
16 Plaintiff PNI and so denies them.

17 15. Paragraph 15 contains allegations about the organization and activities of
18 Plaintiff Scripps Media, Inc. (“KNXV”). The Attorney General lacks sufficient
19 knowledge or information to form a belief as to the truth of the allegations regarding
20 Plaintiff KNXV and so denies them.

21 16. Paragraph 16 contains allegations about the organization and activities of
22 Plaintiff States Newsroom/Arizona Mirror (“Arizona Mirror”). The Attorney General
23 lacks sufficient knowledge or information to form a belief as to the truth of the
24 allegations regarding Plaintiff Arizona Mirror and so denies them.

25 17. All Plaintiffs other than ACLU of Arizona are referred to herein as the
26 “News Organization Plaintiffs.”

27 18. Defendants admit the office of Defendant Mark Brnovich as Attorney
28 General of the State of Arizona. Paragraph 18 contains allegations asserting legal
conclusions, to which no response is required.

1 31. The Attorney General is without sufficient knowledge or information to
2 form a belief as to the truth of the allegations regarding Plaintiffs' activities and so
3 denies them. Paragraph 31 contains allegations asserting legal conclusions, to which no
4 response is required.

5 32. Paragraph 32 contains allegations asserting legal conclusions, to which no
6 response is required.

7 33. The Attorney General is without sufficient knowledge or information to
8 form a belief as to the truth of the allegations regarding Plaintiffs' activities and so
9 denies them.

10 34. The Attorney General is without sufficient knowledge or information to
11 form a belief as to the truth of the allegations regarding Plaintiffs' activities and so
12 denies them. Paragraph 34 contains allegations asserting legal conclusions, to which no
13 response is required.

14 35. The Attorney General is without sufficient knowledge or information to
15 form a belief as to the truth of the allegations regarding Plaintiffs' activities and so
16 denies them. Paragraph 35 contains allegations asserting legal conclusions, to which no
17 response is required.

18 36. Paragraph 36 contains allegations asserting legal conclusions, to which no
19 response is required.

20 37. Paragraph 37 contains allegations asserting legal conclusions, to which no
21 response is required.

22 38. Paragraph 38 contains allegations asserting legal conclusions, to which no
23 response is required.

24 39. Paragraph 39 contains allegations asserting legal conclusions, to which no
25 response is required.

26 40. Paragraph 40 contains allegations asserting legal conclusions, to which no
27 response is required.

28 41. Paragraph 41 contains allegations asserting legal conclusions, to which no
response is required.

1 response is required.

2 56. Paragraph 56 contains allegations asserting legal conclusions, to which no
3 response is required.

4 57. Paragraph 57 contains allegations asserting legal conclusions, to which no
5 response is required.

6 **COUNT 2**

7 58. The Attorney General incorporates paragraphs 1-57 of this answer by
8 reference as if fully set forth herein.

9 59. In the following paragraphs, references to the First Amendment include the
10 First Amendment as applied to the states through the Fourteenth Amendment.

11 60. Paragraph 60 contains allegations asserting legal conclusions, to which no
12 response is required.

13 61. Paragraph 61 contains allegations asserting legal conclusions, to which no
14 response is required.

15 62. Paragraph 62 contains allegations asserting legal conclusions, to which no
16 response is required.

17 63. Paragraph 63 contains allegations asserting legal conclusions, to which no
18 response is required.

19 **AFFIRMATIVE DEFENSES**

20 64. Defendant Attorney General is not properly named as a Defendant in this
21 matter. The Complaint contains only the most bare-bones allegations against the
22 Attorney General, and no non-speculative allegations of a threat of his enforcement of
23 HB2319. Defendant Brnovich further denies the Complaint states a claim upon which
24 relief can be granted, as pertains to him.

25 **RESPONSE TO REQUEST FOR RELIEF**

26 The Request for Relief in the Complaint is a request for legal relief and does not
27 contain any factual averments to which a response is required.

28 RESPECTFULLY SUBMITTED this 24th day of October, 2022.

MARK BRNOVICH
ATTORNEY GENERAL

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CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of October, 2022, I caused the foregoing document to be electronically transmitted to the Clerk's Office using the CM/ECF System for Filing, which will send notice of such filing to all registered CM/ECF users.

s/ Robert J. Makar

Robert J. Makar

*Counsel for Mark Brnovich, Arizona Attorney
General*